

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 5, 1985. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment providing \$500 million in additional bonding authority for the veterans' housing assistance program and changing the definition of those veterans eligible to participate in the veterans' land program and the veterans' housing program by authorizing the legislature by law to define an eligible veteran for the purposes of those programs."

Adopted by the Senate on February 12, 1985, by the following vote: Yeas 30, Nays 0; adopted by the House on May 20, 1985, by the following vote: Yeas 125, Nays 9, three present not voting.

Received: May 29, 1985

To be voted on: November 5, 1985

S.J.R No. 10

Senate Joint Resolution proposing a constitutional amendment granting the supreme court and the court of criminal appeals jurisdiction to answer questions of state law certified from federal appellate courts.

Be it resolved by the Legislature of the State of Texas:

SECTION 1. Article V, of the Texas Constitution is amended by adding Section 3-c to read as follows:

"Section 3-c. (a) The supreme court and the court of criminal appeals have jurisdiction to answer questions of state law certified from a federal appellate court.

"(b) The supreme court and the court of criminal appeals shall promulgate rules of procedure relating to the review of those questions."

SECTION 2. The following temporary provision is added to the Texas Constitution:

"**TEMPORARY PROVISION.** (a) This temporary provision applies to the constitutional amendment proposed by the 69th Legislature, Regular Session, 1985, granting the supreme court and the court of criminal appeals jurisdiction to answer questions of state law certified from a federal appellate court.

"(b) The constitutional amendment takes effect January 1, 1986.

"(c) This temporary provision takes effect on the adoption of the amendment by the voters and expires January 2, 1986."

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 5, 1985. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment granting the Supreme Court of Texas and the Court of Criminal Appeals of Texas jurisdiction to answer questions of state law certified from a federal appellate court."

Adopted by the Senate on February 18, 1985, by the following vote: Yeas 30, Nays 0; Senate concurred in House amendment on May 20, 1985, by the following vote: Yeas 31, Nays 0; adopted by the House, with amendment, on May 16, 1985, by the following vote: Yeas 141, Nays 0, one present not voting.

Received: May 24, 1985

To be voted on: November 5, 1985

S.J.R No. 14

Senate Joint Resolution proposing a constitutional amendment relating to court jurisdiction and administration and to create the Judicial Districts Board and to provide for the reapportionment of judicial districts by that board or by the Legislative Redistricting Board

Be it resolved by the Legislature of the State of Texas:

SECTION 1. That Article V of the Texas Constitution be amended by adding Section 7a to read as follows:

"Section 7a. (a) The Judicial Districts Board is created to reapportion the judicial districts authorized by Article V, Section 7, of this constitution.

"(b) The membership of the board consists of the Chief Justice of the Texas Supreme Court who serves as chairman, the presiding judge of the Texas Court of Criminal Appeals, the presiding judge of each of the administrative judicial districts of the state, the president of the Texas Judicial Council, and one person who is licensed to practice law in this state appointed by the governor with the advice and consent of the senate for a term of four years. In the event of a vacancy in the appointed membership, the vacancy is filled for the unexpired term in the same manner as the original appointment.

"(c) A majority of the total membership of the board constitutes a quorum for the transaction of business. The adoption of a reapportionment order requires a majority vote of the total membership of the board.

"(d) The reapportionment powers of the board shall be exercised in the interims between regular sessions of the legislature, except that a reapportionment may not be ordered by the board during an interim immediately following a regular session of the legislature in which a valid and subsisting statewide apportionment of judicial districts is enacted by the legislature. The board has other powers and duties as provided by the legislature and shall exercise its powers under the policies, rules, standards, and conditions, not inconsistent with this section, that the legislature provides.

"(e) Unless the legislature enacts a statewide reapportionment of the judicial districts following each federal decennial census, the board shall convene not later than the first Monday of June of the third year following the year in which the federal decennial census is taken to make a statewide reapportionment of the districts. The board shall complete its work on the reapportionment and file its order with the secretary of state not later than August 31 of the same year. If the Judicial Districts Board fails to make a statewide apportionment by that date, the Legislative Redistricting Board established by Article III, Section 28, of this constitution shall make a statewide reapportionment of the judicial districts not later than the 150th day after the final day for the Judicial Districts Board to make the reapportionment.

"(f) In addition to the statewide reapportionment, the board may reapportion the judicial districts of the state as the necessity for reapportionment appears by redesignating, in one or more reapportionment orders, the county or counties that comprise the specific judicial districts affected by those reapportionment orders. In modifying any judicial district, no county having a population as large or larger than the population of the judicial district being reapportioned shall be added to the judicial district.

"(g) Except as provided by Subsection (i) of this section, this section does not limit the power of the legislature to reapportion the judicial districts of the state, to increase the number of judicial districts, or to provide for consequent matters on reapportionment. The legislature may provide for the effect of a reapportionment made by the board on pending cases or the transfer of pending cases, for jurisdiction of a county court where county court jurisdiction has been vested by law in a district court affected by the reapportionment, for terms of the courts upon existing officers and their duties, and for all other matters affected by the reapportionment. The legislature may delegate any of these powers to the board. The legislature shall provide for the necessary expenses of the board.

"(h) Any judicial reapportionment order adopted by the board must be approved by a record vote of the majority of the membership of both the senate and house of representatives before such order can become effective and binding.

"(i) The legislature, the Judicial Districts Board, or the Legislative Redistricting Board may not redistrict the judicial districts to provide for any judicial district smaller in size than an entire county except as provided by this section. Judicial districts smaller in size than the entire county may be created subsequent to a general election where a majority of the persons voting on the proposition adopt the proposition 'to allow the division of County into judicial districts composed of parts of County.' No redistricting plan may be proposed or adopted by the legislature, the Judicial Districts Board, or the Legislative Redistricting Board in anticipation of a future action by the voters of any county."

SECTION 2. That Article V, Section 6, of the Texas Constitution be amended to read as follows:

"Section 6. The state shall be divided into courts of appeals districts, with each district having a Chief Justice, two or more other Justices, and such other officials as may be provided by law. The Justices shall have the qualifications prescribed for Justices of the Supreme Court. [The Legislature shall divide the State into such Supreme judicial districts as the population and business may require; and shall establish a Court of Appeals in each of said districts, which shall consist of a Chief Justice and at least two Associate Justices, who shall have the qualifications as herein prescribed for Justices of the Supreme Court.] The Court of

Appeals may sit in sections as authorized by law. The concurrence of a majority of the judges sitting in a section is necessary to decide a case. Said Court of Appeals shall have appellate jurisdiction coextensive with the limits of their respective districts, which shall extend to all cases of which the District Courts or County Courts have original or appellate jurisdiction, under such restrictions and regulations as may be prescribed by law. Provided, that the decision of said courts shall be conclusive on all questions of fact brought before them on appeal or error. Said courts shall have such other jurisdiction, original and appellate, as may be prescribed by law.

"Each of said Courts of Appeals shall hold its sessions at a place in its district to be designated by the Legislature, and at such time as may be prescribed by law. Said Justices shall be elected by the qualified voters of their respective districts at a general election, for a term of six years and shall receive for their services the sum provided by law. Each Court of Appeals shall appoint a clerk in the same manner as the clerk of the Supreme Court which clerk shall receive such compensation as may be fixed by law.

"[On the effective date of this amendment, the Justices of the present Courts of Civil Appeals become the Justices of the Courts of Appeals for the term of office to which elected or appointed as Justices of the Courts of Civil Appeals, and the Supreme Judicial Districts become the Supreme Judicial Districts for the Courts of Appeals.] All constitutional and statutory references to the Courts of Civil Appeals shall be construed to mean the Courts of Appeals."

SECTION 3. That Article V, Section 7, of the Texas Constitution be amended to read as follows:

"Section 7. The State shall be divided into ~~[as many]~~ judicial districts, ~~with each district having one or more Judges as may be provided by law or by this Constitution [as may now or hereafter be provided by law, which may be increased or diminished by law].~~ Each district judge ~~[For each district there]~~ shall be elected by the qualified voters ~~[thereof,]~~ at a General Election and ~~;~~ a Judge, who shall be a citizen of the United States and of this State, who is ~~[shall be]~~ licensed to practice law in this State and ~~has [shall have]~~ been a practicing lawyer or a Judge of a Court in this State, or both combined, for four (4) years next preceding his election, who ~~has [shall have]~~ resided in the district in which he was elected for two (2) years next preceding his election, and who shall reside in his district during his term of office and ~~;~~ who shall hold his office for the period of four (4) years, and who shall receive for his services an annual salary to be fixed by the Legislature. The Court shall conduct its proceedings at the county seat of the county in which the case is pending, except as otherwise provided by law. He shall hold the regular terms of his Court at the County Seat of each County in his district ~~[at least twice in each year]~~ in such manner as may be prescribed by law. The Legislature shall have power by General or Special Laws to make such provisions concerning the terms or sessions of each Court as it may deem necessary.

"The Legislature shall also provide for the holding of District Court when the Judge thereof is absent, or is from any cause disabled or disqualified from presiding.

"~~[The District Judges who may be in office when this Amendment takes effect shall hold their offices until their respective terms shall expire under their present election or appointment.]~~"

SECTION 4. That Article V, Section 8, of the Texas Constitution be amended to read as follows:

"Section 8. District Court jurisdiction consists of exclusive, appellate, and original jurisdiction of all actions, proceedings, and remedies, except in cases where exclusive, appellate, or original jurisdiction may be conferred by this Constitution or other law on some other court, tribunal, or administrative body. District Court judges shall have the power to issue writs necessary to enforce their jurisdiction. ~~[The District Court shall have original jurisdiction in all criminal cases of the grade of felony; in all suits in behalf of the State to recover penalties, forfeitures and escheats; of all cases of divorce; of all misdemeanors involving official misconduct; of all suits to recover damages for slander or defamation of character; of all suits for trial of title to land and for the enforcement of liens thereon; of all suits for the trial of the right of property levied upon by virtue of any writ of execution; sequestration or attachment when the property levied on shall be equal to or exceed in value five hundred dollars; of all suits, complaints or pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at or amount to five hundred dollars exclusive of interest; of contested elections; and said court and the judges thereof, shall have power to issue writs of habeas corpus, mandamus, injunction and certiorari, and all writs necessary to enforce their jurisdiction.]~~

"~~[The District Court shall have appellate jurisdiction and general control in probate matters, over the County Court established in each county, for appointing guardians,~~

granting letters testamentary and of administration; probating wills; for settling the accounts of executors, administrators and guardians; and for the transaction of all business appertaining to estates; and original jurisdiction and general control over executors, administrators, guardians and minors under such regulations as may be prescribed by law.] The District Court shall have appellate jurisdiction and general supervisory control over the County Commissioners Court, with such exceptions and under such regulations as may be prescribed by law; and shall have general original jurisdiction over all causes of action whatever for which a remedy or jurisdiction is not provided by law or this Constitution; and such other jurisdiction, original and appellate, as may be provided by law].

"[The district court, concurrently with the county court, shall have the general jurisdiction of a probate court. It shall probate wills; appoint guardians of minors, idiots, lunatics, persons non compos mentis and common drunkards; grant letters testamentary and of administration; settle accounts of executors, transact all business appertaining to deceased persons, minors, idiots, lunatics, persons non compos mentis and common drunkards, including the settlement, partition and distribution of estates of deceased persons and to apprentice minors, as provided by law. In any proceeding involving the general jurisdiction of a probate court, including such specified proceedings, the district court shall also have all other jurisdiction conferred upon the district court by law. The legislature, however, shall have the power, by local or general law, Section 16 of Article V of this Constitution notwithstanding, to increase, diminish or eliminate the jurisdiction of either the district court or the county court in probate matters; and in cases of any such change of jurisdiction, the legislature shall also conform the jurisdiction of the other courts to such change. The legislature shall have power to adopt rules governing the filing, distribution and transfer of all such cases and proceedings as between district courts, county courts, and other courts having jurisdiction thereof; and may provide that all appeals in such matters shall be to the courts of (civil) appeals.]"

SECTION 5. That Article V, Section 16, of the Texas Constitution be amended to read as follows:

"Section 16. *The County Court has jurisdiction as provided by law. The County Judge is the presiding officer of the County Court and has judicial functions as provided by law. County Court judges shall have the power to issue writs necessary to enforce their jurisdiction.*

"County Courts in existence on the effective date of this amendment are continued unless otherwise provided by law. [The County Court shall have original jurisdiction of all misdemeanors of which exclusive original jurisdiction is not given to the Justices Court as the same is now or may hereafter be prescribed by law; and when the fine to be imposed shall exceed \$200; and they shall have concurrent jurisdiction with the Justice Court in all civil cases when the matter in controversy shall exceed in value \$200; and not exceed \$500; exclusive of interest; unless otherwise provided by law; and concurrent jurisdiction with the District Court when the matter in controversy shall exceed \$500; and not exceed \$1,000; exclusive of interest; but shall not have jurisdiction of suits for the recovery of land. They shall have appellate jurisdiction in cases civil and criminal of which Justices Courts have original jurisdiction; but of such civil cases only when the judgment of the court appealed from shall exceed \$20, exclusive of cost; under such regulations as may be prescribed by law. In all appeals from Justices Courts there shall be a trial de novo in the County Court; and appeals may be prosecuted from the final judgment rendered in such cases by the County Court; as well as all cases civil and criminal of which the County Court has exclusive or concurrent or original jurisdiction as may be prescribed by law and this Constitution.

"[The County Court shall have the general jurisdiction of a Probate Court; they shall probate wills; appoint guardians of minors, idiots, lunatics, persons non compos mentis and common drunkards; grant letters testamentary and of administration; settle accounts of executors, transact all business appertaining to deceased persons, minors, idiots, lunatics, persons non compos mentis and common drunkards, including the settlement, partition and distribution of estates of deceased persons and to apprentice minors, as provided by law; and the County Court, or judge thereof, shall have power to issue writs of injunctions, mandamus and all writs necessary to the enforcement of the jurisdiction of said Court; and to issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the County Court, or any other Court or tribunal inferior to said Court. The County Court shall not have criminal jurisdiction in any county where there is a Criminal District Court, unless expressly conferred by law; and in such counties appeals from Justices Courts and other inferior courts and tribunals in criminal cases shall be to the Criminal District Court; under such regulations as may be prescribed by law; and in all such cases an appeal shall lie from such District Court as

~~may be prescribed by law and this Constitution.]~~ When the judge of the County Court is disqualified in any case pending in the County Court the parties interested may, by consent, appoint a proper person to try said case, or upon their failing to do so a competent person may be appointed to try the same in the county where it is pending in such manner as may be prescribed by law."

SECTION 6. That Article V, Section 17, of the Texas Constitution be amended to read as follows:

"Section 17. The County Court shall hold *terms as* [~~a term for civil business at least once in every two months, and shall dispose of probate business, either in term time or vacation as may be provided by law, and said court shall hold a term for criminal business once in every month as may be~~] provided by law. Prosecutions may be commenced in said court by information filed by the county attorney, or by affidavit, as may be provided by law. Grand juries *empaneled* [~~empaneled~~] in the District Courts shall enquire into misdemeanors, and all indictments therefor returned into the District Courts shall forthwith be certified to the County Courts or other inferior courts, having jurisdiction to try them for trial; and if such indictment be quashed in the County, or other inferior court, the person charged, shall not be discharged if there is probable cause of guilt, but may be held by such court or magistrate to answer an information or affidavit. A jury in the County Court shall consist of six men; but no jury shall be *empaneled* [~~empaneled~~] to try a civil case unless demanded by one of the parties, who shall pay such jury fee therefor, in advance, as may be prescribed by law, unless he makes affidavit that he is unable to pay the same."

SECTION 7. That Article V, Section 19, of the Texas Constitution be amended to read as follows:

"Section 19. *Justice of the peace courts shall have original jurisdiction in criminal matters of misdemeanor cases punishable by fine only, exclusive jurisdiction in civil matters where the amount in controversy is two hundred dollars or less, and such other jurisdiction as may be provided by law.* Justices of the peace shall be *ex officio notaries public* [~~have jurisdiction in criminal matters of all cases where the penalty or fine to be imposed by law may not be more than for two hundred dollars, and exclusive jurisdiction in civil matters of all cases where the amount in controversy is two hundred dollars or less, exclusive of interest, unless exclusive original jurisdiction is given to the District or County Courts, and concurrent jurisdiction with the County Courts when the matter in controversy exceeds two hundred dollars and does not exceed five hundred dollars, exclusive of interest, unless exclusive jurisdiction is given to the County Courts, and, as provided by law, when the matter in controversy exceeds five hundred dollars, concurrent jurisdiction with both the County Courts and the District Courts in an amount not to exceed one thousand dollars exclusive of interest, unless exclusive jurisdiction is given to the County Courts or the District Courts, and such other jurisdiction, criminal and civil, as may be provided by law, under such regulations as may be prescribed by law, and appeals to the County Courts shall be allowed in all cases decided in Justices' Courts where the judgment is for more than twenty dollars exclusive of costs, and in all criminal cases under such regulations as may be prescribed by law. And the justices of the peace shall be ex officio notaries public. And they shall hold their courts at such times and places as may be provided by law.~~"]"

SECTION 8. That Article V of the Texas Constitution be amended by adding a new Section 31 to read as follows:

"Section 31. Court administration and rule-making authority

"Section 31. (a) The Supreme Court is responsible for the efficient administration of the judicial branch and shall promulgate rules of administration not inconsistent with the laws of the state as may be necessary for the efficient and uniform administration of justice in the various courts.

"(b) The Supreme Court shall promulgate rules of civil procedure for all courts not inconsistent with the laws of the state as may be necessary for the efficient and uniform administration of justice in the various courts.

"(c) The legislature may delegate to the Supreme Court or Court of Criminal Appeals the power to promulgate such other rules as may be prescribed by law or this Constitution, subject to such limitations and procedures as may be provided by law."

SECTION 9. That Article V of the Texas Constitution be amended by repealing Sections 14, 16a, 22, and 25.

SECTION 10. That the following temporary provision be added to the Texas Constitution:

"TEMPORARY PROVISION. (a) *This temporary provision applies to the constitutional amendment proposed by S.J.R. No. 14, 69th Legislature, Regular Session, 1985, and expires January 1, 1992.*

"(b) Courts of Appeals Districts and Judges. *The supreme judicial districts of the state become courts of appeals districts. Associate justices of the courts of appeals become justices of the courts of appeals.*

"(c) County Courts and County Judges. *Unless otherwise provided by law, all county courts in existence under the Constitution continue in effect with jurisdiction as provided by law. The judges of those courts remain as county court judges and as presiding officers of the county commissioners courts.*

"(d) Municipal Courts, County Courts at Law, and Justice of the Peace Courts. *Unless otherwise provided by law, order, charter, or ordinance, these courts and judges of them remain as they exist at the time of adoption of the amendments, including any new courts authorized bylaw but not taking effect until after the date of adoption of these amendments.*

"(e) Judicial Districts and Judges. *Unless otherwise provided by law, judicial districts in existence at the time of adoption of these amendments remain in effect, including any districts authorized by law but not taking effect until after the date of adoption of these amendments.*

"(f) Laws and Rules Continued. *Except to the extent inconsistent with the provisions of these amendments, all laws and rules of court in force on the effective date of these amendments continue in effect until otherwise provided by law.*

"(g) Other Provisions. *In the event a transfer or transition has not been provided for by these amendments or other law, the Supreme Court shall provide by rule for the orderly transfer or transition.*

"(h) The initial term of the member of the Judicial Districts Board appointed by the governor expires on December 31, 1990."

SECTION 11. *This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 5, 1985. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment providing for the reapportionment of the judicial districts of the state by the Judicial Districts Board or by the Legislative Redistricting Board, and providing for the administration and jurisdiction of constitutional courts."*

Adopted by the Senate on April 18, 1985, by the following vote: Yeas 24, Nays 5; May 23, 1985, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 26, 1985, House granted request of the Senate; May 27, 1985, Senate adopted Conference Committee Report by the following vote: Yeas 25, Nays 6; adopted by the House, with amendments, on May 22, 1985, by the following vote: Yeas 120, Nays 10, six present not voting; May 26, 1985, House granted request of the Senate for appointment of Conference Committee; May 27, 1985, House adopted Conference Committee Report by the following vote: Yeas 124, Nays 19, one present not voting.

Received: June 3, 1985

To be voted on: November 5, 1985

S.J.R. No. 15

Senate Joint Resolution proposing a constitutional amendment relating to the apportionment of the value of railroad rolling stock among counties for purposes of property taxation.

Be it resolved by the Legislature of the State of Texas:

SECTION 1. Article VIII, Section 8, of the Texas Constitution is amended to read as follows:

"Section 8. All property of railroad companies shall be assessed, and the taxes collected in the several counties in which said property is situated, including so much of the roadbed and fixtures as shall be in each county. The rolling stock may be assessed in gross in the county where the principal office of the company is located, and the county tax paid upon it[;] shall be apportioned as provided by general law [by the Comptroller,] in proportion to the distance such road may run through any such county, among the several counties through which the road passes, as a part of their tax assets."

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 4, 1986. The ballot shall be printed to provide for voting for or